

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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KISHOR KUMAR RAO and
POORNIMA KISHOR,

Plaintiffs,

- against -

ORDER ADOPTING
REPORT AND RECOMMENDATION
14-CV-7422 (RRM)(LB)

THE CITY OF NEW YORK, DETECTIVE KEVIN
WARMHOLD, POLICE OFFICER YISEL
CABRERA, DETECTIVE MICHAEL RISO,
DETECTIVE JOHN GRIDLEY, and
POLICE OFFICERS JOHN DOE #1–10,

Defendants.

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ROSLYNN R. MAUSKOPF, United States District Judge.

On April 5, 2016 – approximately one month prior to the end of discovery – plaintiffs Kishor Kumar Rao (“Rao”) and Poornima Kishor (“Kishor”) moved to amend their complaint for a third time. Plaintiffs sought to add a municipal liability claim under 42 U.S.C. § 1983, alleging that Rao’s arrest was made “using [an] identification card[]” (“I-cards”) in lieu of attempting to obtain [an] arrest warrant[],” in violation of his constitutional rights. (Pls.’ 4/5/16 Ltr. (Doc. No. 41) at 1.) On April 11, 2016, the Court referred that motion to Magistrate Judge Lois Bloom for a Report and Recommendation (“R&R”). On April 26, 2016, Judge Bloom issued an R&R recommending that plaintiffs’ motion to amend their complaint be denied. (R&R (Doc. No. 45) at 1.) Judge Bloom found that the amended complaint failed to allege facts sufficient to state a claim that the City of New York promulgated a custom or policy that violates federal law, as required for municipal liability under § 1983. (R&R at 2–3.) Judge Bloom also found that defendants would be unduly prejudiced by the amendment because discovery was almost closed. (R&R at 3.) Finally, Judge Bloom reminded the parties that, pursuant to Rule 72(b), any objection to the R&R must be filed

within fourteen (14) days. More than fourteen (14) days has passed and no party has filed any objection.

CONCLUSION

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R (Doc. No. 45) for clear error and, finding none, concurs with the R&R in its entirety. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007).

Accordingly, it is hereby ORDERED that the motion to amend (Doc. No. 44) is denied.

SO ORDERED.

Dated: Brooklyn, New York
December 20, 2016

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge